



SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO MINUTES

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

November 7, 2012 – 4:00 PM

Regular Meeting

Members: Kitt Grant (Chair), Louise Fischer (Vice-Chair),
Richard Knee, Suzanne Manneh, Allyson Washburn, David Pilpel,
David Sims, Todd David, Chris Hyland, Bruce Oka

1. **Call to Order, Roll Call, and Agenda Changes.**

The meeting was called to order at 4:16 p.m. There was a quorum. Member Fischer was noted absent at 8:58 p.m. Member David was noted absent at 9:28 p.m.

2. **Election of Vice Chair - Election of Officers; per Article II, Section 3 of the By-Laws.**

Member Knee, seconded by Member David, moved to nominate Member Fischer.

Speakers: Jason Grant Garza, Ray Hartz, Peter Warfield, Dr. Derek Kerr, expressed concern over disability seat finally being filled. Francisco DaCosta, expressed concern regarding the length of Task Force meetings.

The motion PASSED by the following vote:

Ayes: 8 – Knee, Manneh, Washburn, Pilpel, Sims, David, Fischer, Grant

Noes: 2 – Hyland, Oka

3. **Approval of Minutes from the May 2, 2012, Regular Meeting.**

Member Knee, seconded by Member Manneh, moved to CONTINUE to December 5, 2012.

Items 3 – 5 were taken as a motion of the whole.

Speakers: Peter Warfield expressed concern over the minutes not reflecting his concerns; Jason Grant Garza expressed concern on what the Task Force has been doing during its time off; Ray Hartz expressed concern over speaker time and motion to continue minutes.

The motion PASSED by the following vote:

Ayes: 10 – Knee, Manneh, Washburn, Pilpel, Sims, David, Hyland, Oka, Fischer, Grant

4. **Approval of Minutes from the June 6, 2012, Regular Meeting.**

Member Knee, seconded by Member Manneh, moved to CONTINUE to December 5, 2012.

Speakers: Peter Warfield expressed concern over the minutes not reflecting his concerns; Jason Grant Garza expressed concern on what the Task Force has been doing during its time off; Ray Hartz expressed concern over speaker time and motion to continue minutes.

The motion PASSED by the following vote:

Ayes: 10 – Knee, Manneh, Washburn, Pilpel, Sims, David, Hyland, Oka, Fischer, Grant

5. **Approval of Minutes from the July 11, 2012, Special Meeting.**

Member Knee, seconded by Member Manneh, moved to CONTINUE to December 5, 2012.

Speakers: Peter Warfield expressed concern over the minutes not reflecting his concerns; Jason Grant Garza, expressed concern on what the Task Force has been doing during its time off; Ray Hartz expressed concern over speaker time and motion to continue minutes.

The motion PASSED by the following vote:

Ayes: 10 – Knee, Manneh, Washburn, Pilpel, Sims, David, Hyland, Oka, Fischer, Grant

6. **Sunshine Ordinance Task Force Bylaws.**

Member David agreed with amendment. Member Washburn presented the reasoning of the former Task Force’s rationale for amending the Bylaws. Member Fischer agreed to the proposed amendment, stating that it is the commitment of every member to be present at all meetings. Member Knee stated he dissented on the Bylaw change by the former Task Force. Member Sims expressed that the Charter does not allow the Task Force to go against the Charter. Member Pilpel stated that the Charter supersedes the Sunshine Ordinance.

Allen Grossman presented Task Force meeting quorum and voting rules.

Member Pilpel, seconded by Member Oka, moved to CONTINUE to December 5, 2012.

Speakers: Patrick Monette-Shaw showed support of Mr. Grossman’s presentation and opposition for the amendment to the Bylaws; Jason Grant Garza expressed opposition for the amendment of the Bylaws; Ray Hartz expressed that Task Force members’ absences

were the reasoning behind the amendment; Peter Warfield expressed the amendment was a matter of justice for the public; Dr. Derek Kerr spoke in opposition of amending the bylaws; Bruce Wolfe spoke to case law regarding the item; Doug Comstock expressed concern on the length of Task Force meetings.

The motion PASSED without objection.

RECESS

6:20 p.m. – 6:38 p.m.

7. Selection of Members to serve on standing committees and appointments of its Chairs and Vice Chairs.

Chair Grant appointed the following Members to committees of the Task Force:

Compliance and Amendments Committee: Member Washburn (Chair), Member Knee (Vice-Chair), Member Grant

Education, Outreach and Training Committee: Member Pilpel (Chair), Member David (Vice-Chair), Member Manneh, Member Oka

Rules: Member Sims (Chair), Member Fischer (Vice-Chair), Member Hyland

Speakers: Ray Hartz expressed opposition to the appointment of Member Pilpel as Chair of the Education, Outreach and Training Committee; Peter Warfield expressed opposition to the appointment of Member Pilpel as Chair of the Education, Outreach and Training Committee.

8. Schedule a Special Meeting due to three-month hiatus of SOTF's regularly scheduled meetings to hear complaints.

Pending hearing room availability a special meeting Task Force meeting will be held on December 12, 2012.

There were no speakers. **There was consensus to hold a Special Meeting on December 12, 2012.**

9. Public Comment.

Speakers: Patrick Monette-Shaw expressed concern on the Ethics Commission's enforcement of complaints; William Clark updated the Task Force on the Civil Grand Jury report in regard to his complaint; Jason Grant Garza expressed concern regarding the Ethics Commission and enforcement of complaints; Michael Petrelis expressed concern with the back-log of complaints and requested Task Force meetings be televised; Ray Hartz expressed concern over the allotment of time given to speakers for public comment; Peter Warfield stated laws and rules regarding public comment time limits; Doug Comstock expressed concern for public comment time limit; Bruce Wolf advised the Task Force to familiarize themselves with the Sunshine Ordinance.

10. **Review of outcomes from Joint Sunshine Ordinance Task Force and Ethics Commission Hearing.**

There were no speakers. **There was consensus to move the item to the end of the agenda.**

11. **File No. 11083:** The Compliance and Amendments Committee has referred File No. 11083, Ray Hartz, Jr. against the Public Library, back to the Task Force for further action including a recommendation to the Ethics Commission.

Ray Hartz, Jr. (Complainant) provided an overview of the complaint, findings, follow-up, and further requested the Task Force to find further violations. There were no speakers in support of the Complainant. Louis Herrera (Respondent) Public Library provided an overview of the Agency's defense, responded to question raised throughout the discussion, and further requested the Task Force to dismiss the complaint. There were no speakers in support of the Respondent. A question and answer period followed. Complainant and Respondent responded to questions raised throughout the discussion.

Member Knee, seconded by Member Hyland, moved REFER TO BOARD OF SUPERVISORS and to find the Public Library in violation of Sunshine Ordinance Sections 67.25(a) and 67.21(c) based on failure to provide documents regarding the \$5.1 million.

It was recommended by Member Washburn that the letter to the Board Supervisors discuss 67.29-7 (a) and (b) as they pertain to the Library not maintaining correspondence and records.

Speakers: Peter Warfield, expressed concern for library withholding information; Bruce Wolf, expressed that the Sunshine Ordinance supersedes local laws and suggested questions to ask Respondent.

The motion PASSED by the following vote:

Ayes: 9 - Knee, Manneh, Washburn, Sims, David, Hyland, Oka, Fischer, Grant
Noe: 1 - Pilpel

Member Fischer, seconded by Member David, moved to ADJOURN the meeting

The motion FAILED by the following vote:

Ayes: 1 - David
Noes: 9 – Knee, Manneh, Washburn, Pilpel, Hyland, Oka, Fischer, Grant

RECESS

8:35 p.m. – 8:45 p.m.

12. **File No. 11089:** Complaint filed by Robb Birkhead against the City Attorney's Office for allegedly withholding documents.

No speakers. **There was consensus to CONTINUE the item to December 5, 2012.**

13. **File No. 12005:** Complaint filed by Anonymous against the Municipal Transportation Agency for allegedly not providing camera footage. (*attachment*)

No speakers. **There was consensus to CONTINUE the item to December 5, 2012.**

14. **File No. 12013:** Complaint filed by William Clark against Howard Lazar, Arts Commission for allegedly not providing documents of expenses charged to the Street Artist Program for FY 2010-2011.

Member Knee, seconded by Member Manneh, moved to find jurisdiction

There were no speakers. **The motion PASSED without objection.**

William Clark (Complainant) provided an overview of the complaint and further requested the Task Force to find violations. There were no speakers in support of the Complainant. Kate Patterson (Respondent), Arts Commission, provided an overview of the Arts Commission's defense and further requested the Task Force to dismiss the complaint. There were no speakers in support of the Respondent. A question and answer period followed. Respondent declined rebuttal. Complainant provided a rebuttal and further requested the Task Force to find violation.

Member Knee, seconded by Member Manneh, moved to find the Arts Commission in violation of Sunshine Ordinance Sections 67.21(b) and 67.26 for failure to provide complete information as requested and to keep withholding to a minimum; and to refer to Compliance and Amendments Committee.

Speakers: Bruce Wolfe expressed concern with the motion being sent to the Compliance and Amendments Committee; Robert Clark, spoke against the motion; Ray Hartz, spoke opposing the motion.

The motion PASSED by the following vote:

Ayes: 5 – Knee, Manneh, Washburn, Hyland, Oka

Noes: 3 – Pilpel, Sims, Grant

Absent: 2 – David, Fischer

Member Pilpel, seconded by Member Sims, moved to request that the City Attorney provide a complete itemized billing statement within 10 calendar days.

The motion FAILED by the following vote:

Ayes: 2 – Pilpel, Sims

Noes: 6 – Knee, Manneh, Washburn, Hyland, Oka, Grant

Absent: 2 – David, Fischer

15. **File No. 12014:** Complaint filed by William Clark against Tom DeCaigny, Arts Commission for allegedly not providing an itemized list of expenditures for the Street Artist Program FY 2012-2013 budget.

Member Washburn, seconded by Member Manneh, moved to find jurisdiction

There were no speakers. **The motion PASSED without objection.**

William Clark (Complainant) provided an overview of the complaint and further requested the Task Force to find violations. There were no speakers in support of the Complainant. Kate Patterson (Respondent), Arts Commission, provided an overview of the Arts Commission's defense and further requested the Task Force to dismiss the complaint. There were no speakers in support of the Respondent. A question and answer period followed. Respondent declined rebuttal. Complainant provided a rebuttal and further requested the Task Force to find violation.

Due to lack of a motion, the Task Force FOUND NO VIOLATION.

The Matter was CONCLUDED

16. **File No. 12017:** Complaint filed by Ray Hartz, Jr. against Supervisor David Campos, Board of Supervisors for allegedly participating in the operation of the Bernal Library Art Project, violating the rights of citizens.

Member Knee, seconded by Member Pilpel, moved to find jurisdiction

Speakers: Doug Comstock said the item is within jurisdiction; Peter Warfield said the item is within jurisdiction.

The motion PASSED by the following vote:

Ayes: 7 – Knee, Manneh, Washburn, Sims, Hyland, Oka, Grant

Noes: 1 – Pilpel

Absent: 2 – David, Fischer

Ray Hartz, Jr. (Complainant) provided an overview of the complaint, responded to questions raised throughout the discussion and further requested the Task Force to find violations. There were no speakers in support of the Complainant. Supervisor David Campos (Respondent), Board of Supervisors, provided an overview of his Office's defense and responded to question raised throughout the discussion, and further requested the Task Force to dismiss the complaint. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent declined rebuttal. The Complainant provided a rebuttal and further requested the Task Force to find violation.

Speakers: Peter Warfield expressed that Respondent is misinformed on which agency removed the mural; Doug Comstock expressed concern of passive meeting body language.

Due to lack of a motion, the Task Force FOUND NO VIOLATION.

The Matter was CONCLUDED.

17. **Report: Education Outreach and Training Committee meeting of May 10, 2012.**

Member Knee, seconded by Member Manneh, moved to CONTINUE items 17 - 19 to December 5, 2013.

Speakers: None.

The motion PASSED without objection.

18. **Report: Compliance and Amendments Committee meeting of May 15, 2012.**

Member Knee, seconded by Member Manneh, moved to CONTINUE items 17 - 19 to December 5, 2013.

Speakers: None.

The motion PASSED without objection.

19. **Administrator's Report.**

Member Knee, seconded by Member Manneh, moved to CONTINUE items 17 - 19 to December 5, 2013.

Speakers: None.

The motion PASSED without objection.

20. **Announcements, Comments, Questions, and Future Agenda Items.**

There were none.

21. **ADJOURNMENT**

Member Pilpel, seconded by Member Knee, moved to ADJOURN.

Speakers: None. **The motion PASSED without objection.**

There being no further business, the Task Force adjourned at the hour of 11:35 p.m.

APPROVED: May 1, 2013



Andrea Ausberry, Administrator
Sunshine Ordinance Task Force